JUN 15 1966

JOHN F. DAVIS, CLERK

IN THE

Supreme Court of the United States

October Term, 1965

No. 87

JULIAN BOND, DR. MARTIN LUTHER KING, JR., and MRS. AREL KEYES, for themselves jointly and severally, and for all others similarly situated,

Appellants,

v.

JAMES "SLOPPY" FLOYD, WILLIAM J. "BILL" LEE, ED T. FULFORD, J. TERRELL WEBB, W. JONES LANE, DAVID L. NEWTON, ETC. and GEORGE T. SMITH, ETC.,

Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA (ATLANTA DIVISION)

APPELLANTS' MEMORANDUM

HOWARD MOORE, JR.,
859½ Hunter Street N.W.,
Atlanta, Georgia 30314.

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Attorneys for Appellants.

IN THE

Supreme Court of the United States

October Term, 1965

No. 1125

JULIAN BOND, DR. MARTIN LUTHER KING, JR., and MRS. AREL KEYES, for themselves jointly and severally, and for all others similarly situated,

Appellants,

v.

JAMES "SLOPPY" FLOYD, WILLIAM J. "BILL" LEE, ED T. FULFORD, J. TERRELL WEBB, W. JONES LANE, DAVID L. NEWTON, ETC. and GEORGE T. SMITH, ETC.,

Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA (ATLANTA DIVISION)

APPELLANTS' MEMORANDUM

There was a suggestion in respondents' memorandum that the legislative committee might moot the controversy by seating the appellant, Julian Bond, after he had won a second election. Appellants have previously indicated their view that the controversy could not be mooted even under such circumstances. But even that possibility is now eliminated by the committee's decision of May 23, 1966 that seating be again denied Mr. Bond; a copy is annexed hereto as Appendix A. This decision was made after a hearing in which the issue was directly posed to Mr. Bond, *viz.*, would he recede from his earlier position which had

led to the pending litigation? Mr. Bond explicitly reaffirmed his position.

Appellants had not previously thought it necessary to advise the Court of this decision since their appeal is predicated upon the first election herein. However, since the Term is drawing to a close, it has been deemed appropriate to call this matter to the attention of the Court.

Appellants respectfully ask the Court to note probable jurisdiction before the close of this Term so that they can proceed expeditiously with their appeal and to grant the motion to advance so as to avoid any future question of mootness.

Respectfully submitted,

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June 14, 1966

Appendix A

In regard: W. Jones Lane and William Burton Steis, Protestants, versus Representative-Elect Julian Bond, Respondent.

The matter of contests filed to the seating of Representative-Elect Julian Bond pursuant to his election at a special election held on February 23, 1966, coming on regularly for hearing before the standing Rules Committee of the House of Representatives at 10:35 A.M. on May 23, 1966, at the State Capitol in Atlanta, Georgia, after hearing evidence, receiving Exhibits, and hearing remarks of counsel; it is the unanimous finding of the Committee that the seating of Representative-Elect Julian Bond in the House of Representatives of the General Assembly of the State of Georgia as a member from District 136 be denied and that this action be filed with the Clerk of the House pursuant to Rule 258 of the House of Representatives.

This 23rd day of May, 1966.

GEO. G. SMITH,
Chairman.